

Notice of Allowability

Application No.

10/662,322

Examiner

Nasser Ahmad

Applicant(s)

ELGUEZABAL ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/09/2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 16 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12-16-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/5/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas W. Perkins on October 5, 2005.

The application has been amended as follows:

Claim 18, line 3, the phrase "second plaque" has been changed to - -second layer and - -.

Claim 19, line 3, the phrase "second plaque" has been replaced by the phrase - -second layer and - -.

Claim 19, line 8, the word "in" has been changed to - -of- -.

Claim 19, line 8, the phrase "or a" has been replaced by the word - -and- -.

Claim 19, lines 8-13, the phrase " ; a metallic ...is oxidized" has been deleted.

After claim 19, the following new claim has been inserted:

- - 20. (New) A system for discouraging the removal of identification labels as claimed in claim 1, including a circuit plaque incorporated into the second layer surrounded by the inserts and further including: a metallic insert made of oxidizable material selected from the group consisting of sodium, magnesium, aluminum,

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potassium and iron, having a width of at least 0.1 mm, said metallic insert placed over the circuit plaque and generating heat when it is oxidized- -.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

A review of applicants' arguments in amendment filed on May 9, 2005 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the applied prior art of record. The prior art fails to teach or suggest a system for discouraging the removal of identification labels adhered to a surface and comprising a first layer having a first surface and a second surface which are impregnated with an adhesive substance; a second layer comprising a plurality of breakable blisters filled with chemical activator substance, each adhered to the second surface of the first layer, a plurality of inserts having between 30-70% in weight of a co-activator material, 1-15% of a detonating material, 10-60% of combustible material and 0.5-10% stabilizer material, each insert adhered to the second surface of the first layer and surrounding a blister; and a third layer having first and second surface impregnated with an adhesive for adhering to each of the elements of the second layer; wherein, when it is attempted to separate the base card from surface, a mechanical force is applied over the card that breaks one or more blisters to spill the activator chemical substance that reacts with the components of the surrounding insert and initiates an

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exothermic reaction that produce a combustion which permanently and severely damages the first, second and third layers. Further, no evidentiary support could be provided to support the position that the claimed invention would have been obvious to one having ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance".


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 11/1/05
Primary Examiner
Art Unit 1772

N. Ahmad.
October 25, 2005.